IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

LA.App.No. 297 of 2003(D)

LAR.157/1998 of PRINCIPAL SUB COURT, NORTH PARAVUR
.....

APPELLANT/ ADDL.2ND RESPONDENT:

KOCHI INTERNATIONAL AIRPORT SOCIETY, NEDUMBASSERY, ERNAKULAM DISTRICT, ANGAMALY, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.

RESPONDENTS/ CLAIMANTS & RESPONDENTS:
----

1. **VARGHESE, S/O. KUNJAVIRA, ARACKAL HOUSE, AVANAMCODE.**
2. **THE TAHSILDAR, TALUK OFFICE, ALUVA.**
3. **STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.
SRI.DINESH R. SHENOY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 12/11/2007 ALONG WITH L.A.A. 313/2002 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A No. 297 of 2003

Dated this the 21st day of November 2007

JUDGMENT

Harun-Ul-Rashid ,J

This appeal is filed by the requisitioning authority namely Kochi International Airport Society against the judgment and decree in L.A.R. 157/1998 on the file of Sub judge North paravur.

An extent of land measuring 4.50 Ares in Survey No.497/6 of of Nedumbassery Village has been acquired for the construction of the terminal for Kochi International Airport Nedumbassery. Section 4(1) notification was published on 8-7-1994. The Land Acquisition Officer fixed the land value at the rate of Rs. 7,350/- per Are. The court below granted enhancement at the rate of 96% over and above the land value fixed by the Land Acquisition Officer. The market value of similar lands covered by the same acquisition was fixed by this Court at 45% over and above the land value fixed by the Land Acquisition Officer in L.A.A 412/2001 and connected cases. In view of the fact that the land value was refixed by this Court, the respondents/ claimants in L.A.A 297/2003 are entitled to enhancement at the rate of only 45% of the land value over and above fixed by the Land Acquisition Officer.

In the result, the appeal is partly allowed in modification of the decree and judgment. It is made clear that the claimants are entitled to all eligible statutory benefits including interest on solatium.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

es